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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,418	09/30/2003	Nathanael F. Ehrich	RSW920030221US1	6181
43168	7590	06/04/2008		
MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742			EXAMINER PAULA, CESAR B	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 06/04/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,418	<b>Applicant(s)</b> EHRICH ET AL.	
	<b>Examiner</b> CESAR B. PAULA	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/17/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 7-10, and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7-10 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the RCE amendment filed on 3/17/2008.

**This action is made Non-Final.**

2. In the amendment, claims 13-14, 26, and 35 have been canceled. Claims 1, 7-10, and 20, are pending in the case. Claims 1, and 27 are independent claims.

3. The rejections of claims 1, 7-10, 13-15, 20, 26, 29-30, and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Lemay et al, "Laura Lemay's Web Workshop JavaScript", Sams.net, 1996, chapters 10-11, in view of Kontogouris (USPub. 2002/0082910, 6/27/2002), have been withdrawn as necessitated by the amendment.

### ***Drawings***

4. The drawings filed on 9/30/2003, and 1/31/06 have been accepted by the Examiner.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2178

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 7-10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemay et al, "Laura Lemay's Web Workshop JavaScript", Sams.net, 1996, chapters 10-11, in view of Mitchell et al (USPub. US 6983331 B1, 1/3/2006, filed on 10/17/2000), and further in view of Smith et al, 'Scalable Multimedia Delivery for Pervasive Computing', ACM, 1999, pp.132-140.

Regarding independent claim 1, Lemay discloses browsing a web page over the web. The web page contains markup code along with Javascript code to rotate 3 advertisement banners specified in the markup— *receiving, at the client device from a server responsive to a request for a Web page, a markup language document corresponding to the requested that specifies a Web page wherein the Web page comprises a displayable content component; and the markup language document comprises syntax specifying, for the displayable content component, at least three alternative selectable versions thereof and conditions for selecting each of the alternative versions; the selected particular version having a first media type* (pages 227-228 ).

Moreover, Lemay discloses using multiple Javascript loops of code to change the banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, parag.5-6, page 228). In other words, it is determined how much time has elapsed, and if the time equals to the predetermined time as indicated in the code, then the current banner will be replaced with the next banner on the screen-- *evaluating one or more factors to yield an evaluation result, wherein the one or more factors are determined from the*

*specified conditions, using the evaluation result, at the client device, to select a particular one of the alternative selectable versions of the displayable content component from the syntax specifying the alternative selectable versions in the markup language document; and rendering the markup language document as the Web page on a display device coupled to the client device, wherein the selected particular version of the displayable content component is rendered as the displayable content component included therein.*

Lemay fails to explicitly disclose *determining, at the client device responsive to the receiving, a current window size usable for rendering the requested Web page; matching the determined current window size, at the client.* However, Mitchell teaches detecting at a client, the display size of a browser. Primary, and additional content are displayed on the browser, if the display area is sufficiently large to accommodate both contents(col.4, lines 24-31, col.8, lines 57-62, fig.2D). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lemay and Mitchell, because of all the reasons found in Mitchell including displaying content in a displayable area without having to scroll to view all the content being displayed, and enhance a user's experience when viewing a webpage (col.3, lines 1-15,col.8, lines 30-40). This would provide the optimization of the display area to allow a user to easily view the content.

Furthermore, Lemay fails to explicitly *each of at least two of the at least three alternative selectable versions has a different media type; responsive to subsequently detecting, at the client device, a change in the current window size, repeating the matching to select a different one of the alternative selectable versions, the selected different version having a second media type that is different from the first media type, and repeating the rendering, wherein the selected different*

Art Unit: 2178

*one is rendered as the displayable content component.* However, Mitchell teaches determining at a client, whether the display size of a browser has been resized. Additional content is displayed on the browser, if the display area is sufficiently increased (col.3, lines 33-col.4, line 21, abstr., last 14 lines, col.8, lines 30-40). Smith discloses the substitution of one media content type, with a different one, such as substituting image for text if a device's screen is small (4.9). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lemay, Mitchell and Smith, because of all the reasons found in Mitchell including displaying content in a displayable area without having to scroll to view all the content being displayed, and enhance a user's experience when viewing a webpage (col.3, lines 1-15,col.8, lines 30-40). Smith teaches optimizing the selection of different variations of media objects (1.6, lines 6-7). This would provide the optimization of the display area to allow a user to easily view the content.

Regarding claim 7, which depends on claim 1, Lemay discloses using multiple Javascript loops of code to change the 3 banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, page 228). —*the syntax specifying the plurality of alternative selectable views are specified using a scripting language syntax* -- (col. 11, lines 1-62, col.8, lines 16-34, fig.10-15).

Regarding claim 8, which depends on claim 1 Lemay discloses browsing a web page that contains markup code along with Javascript code to rotate 3 advertisement banners specified in the markup. The banners are children or listed under a head tag (page 227, parag.5-6, page 228).

Regarding claim 9, which depends on claim 1, Lemay discloses using multiple Javascript loops of code—*executable logic*-- to change the 3 banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, page 228).

Regarding claim 10, which depends on claim 7, Lemay discloses using multiple Javascript loops of code —*logic*--to change the 3 banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, page 228).

Regarding claim 20, which depends on claim 1, Lemay discloses using multiple Javascript loops of code to change the banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, parag.5-6, page 228). In other words, the browser software determines how much time has elapsed, and if the time equals to the predetermined time as indicated in the code, then the current banner will be replaced with the next banner on the screen.

### ***Response to Arguments***

7. Applicant's arguments filed 3/17/2008 have been fully considered but they are moot in light of the new grounds of rejection above. The Applicant submits that Lemay, and Kontogouris do not teach or suggest determining a current window size, and matching the determined window size to the specified conditions of the versions, and subsequently repeating the matching to select one of the versions having a different media (pages 7-10). The Applicant

is directed towards the rejection above of the newly added limitation in light of newly found prior art as necessitated by the amendment to the claims.

### ***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mitchell et al. (Pat. # 6,983,331 B1), and Narin (Pat. # 7,213,079 B2).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).



Art Unit: 2178

Any response to this Action should be mailed to:  
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P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- **(571)-273-8300** (for **all** Formal communications intended for entry)

/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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6/3/2008